



State of Arizona
Department of Education

October 12, 2011

Dear Superintendents/Charter Administrators:

RE: NCLB 12-02 Federal Waivers

The US Department of Education (ED) has recently announced several changes in the form of waivers relating to our K-12 systems. Please review the summaries below. Where appropriate, links to more detailed explanations have been included.

1. American Recovery and Reinvestment Act (ARRA) Tydings Limit Extension

The Arizona Department of Education (ADE) has been notified that the 27-month Tydings limitation on all *No Child Left Behind* funds from FY10, including ARRA funds, has been extended for an additional 12 months. This means that any unspent ARRA funds do not have to be returned to the US Treasury this year. (Note: IDEA ARRA funds are not included in this waiver.) The ADE will determine an equitable method of access to unspent ARRA funds and will notify LEAs when and how those funds will be made available.

2. SFSF Data Collection

When the ADE accepted State Fiscal Stabilization Funds (SFSF) as allocated under ARRA, assurances to collect specified data as part of a State Longitudinal Data System (SLDS) were required. The deadline either to report those data elements or to provide a plan to do so was September 30, 2011. The ED has proposed to waive that deadline until December 2012 for data elements related to post-secondary outcomes and for the completion of a SLDS that encompasses all the [12 COMPETES](#) elements. This waiver will provide more flexibility as changes to LEA and ADE data reporting systems continue as planned.

3. ESEA Flexibility

On September 23rd President Obama announced that ED is offering an opportunity for states to apply for ESEA Flexibility. The details of the criteria are summarized below. The proposals from each state will undergo peer review, a process that was used by the ADE to approve Accountability Workbooks as required under *No Child Left Behind*. ED has issued the Peer Review Guidance to assist states as they prepare their submissions.

The timeline for submission is as follows: November 14 for a December 2011 review; mid-February 2012 for a Spring 2012 review; later submissions will be reviewed as submitted. The ADE intends to submit its proposal for the mid-February deadline at the earliest. This timeline will provide for the maximum opportunity to receive stakeholder input on the decisions required by the ESEA Flexibility request and to allow everyone to prepare for implementation, beginning with the 2012-2013 school year.

To meet the [ESEA Flexibility](#) principles the ADE must:

- a. adopt and implement College- and Career-Ready Standards and aligned assessments,
- b. develop a differentiated recognition, accountability and support system ,
- c. implement an effective teacher and principal evaluation system, and
- d. avoid duplication and mitigate, as much as possible, the reporting burden on its LEAs.

Upon approval of the ADE's waiver request, LEAs will be able to take advantage of the following key elements of flexibility:

1. New ambitious but achievable Annual Measurable Objectives in reading/language arts and mathematics for 2013–2014 Adequate Yearly Progress (AYP) determinations
2. Waiver of implementation of School Improvement requirements
3. Waiver of implementation of LEA Improvement requirements
4. Flexibility to use Rural and Low-Income School Program funds or Small, Rural School Achievement Program funds for any authorized purpose regardless of AYP status
5. Flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold, if the SEA has identified the school as a priority school or a focus school

6. Flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any focus or priority school
7. Flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any reward school
8. Waiver of the requirements regarding Highly Qualified Teacher (HQT) Improvement Plans
9. Transfer of up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 among those programs and into Title I, Part A
10. Award of School Improvement Grant (SIG) Funds available under Section 1003(g) to an LEA to support priority schools to implement one of the four SIG models

If you have questions, please contact me at nancy.konitzer@azed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Konitzer". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Konitzer".

Nancy Konitzer
Deputy Associate Superintendent
Title I and Consolidated Programs
Highly Effective Schools Division